

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

3D SYSTEMS, INC.,

Plaintiff,

-vs-

Case No. 05-74891  
Hon: AVERN COHN

ENVISIONTEC, INC., ENVISIONTEC  
GMBH; and SIBCO, INC.,

Defendants.

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**ORDER OF REFERENCE TO SPECIAL MASTER**

I.

On February 20, 2007, the Court appointed a special master to report and recommend the proper construction<sup>1</sup> of disputed<sup>2</sup> claim terms in this patent case. The special master filed his report and recommendation on May 15, 2007. On June 5, 2007, the special master filed a chart correlating the disputed claim terms to his recommended construction. On June 6, 2007, the parties filed the Amended Joint Submission Of Correlated Claim Charts For U.S. Patent Nos. 5,630,981, 5,651,924, 5,902,537 And 4,999,143 Incorporating The Special Master's Claims Charts Filed On June 6, 2007 (correlated claims chart). The chart numbers the disputed claim terms sequentially.

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<sup>1</sup> "Construction" and "interpretation" are synonymous.

<sup>2</sup> "Disputed" and "ambiguous" are synonymous.

Thereafter the parties filed objections and responses to the special master's report and recommendation.

The Court is having difficulty dealing with the objections because the special master's report and recommendation and claim chart do not include the number of each element. Also, the defendants' objections have an unusual breadth and complexity. Defendants seem to object to almost every recommended construction by the special master.

## II.

In the present posture of the case, the Court deems it appropriate to request the special master file a supplemental report including the following:

1. Each of the disputed claim terms to be separately discussed and construed in the numbered order that they are displayed in the correlated claim chart. File an amended claim chart with the special master's construction separately stated for each of the numbered disputed claim terms. For example, in the correlated claim chart the special master's construction of the disputed claim terms in elements 6 and 7, 8 and 9, 10 and 11 are 12 and 13 of claim 11 of the '981 patent are not separately stated.

2. The discussion of each disputed claim term should conclude with the precise text of the recommended construction.

## III.

The special master shall separately recommend the structure disclosed in the specification which performs the function of the means plus functional elements in the '539

and '141 patents. The report and recommendation shall include as an appendix the text of the specification highlighted to display the structure.

IV.

Given the breadth and complexity of defendants' objections, the special master shall include in his discussion of each disputed claim term a response to the defendants' objection. This also applies to plaintiff's objections.

V.

The parties shall promptly provide the special master with copies of:

1. The correlated claim chart.
2. The objections and responses to the special master's report and recommendation.

VI.

Any objections to this order shall be filed with the Court within three (3) business days.

SO ORDERED.

Dated: August 7, 2007

s/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to the parties of record on this date, August 7, 2007, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager, (313) 234-5160